

# United States District Court

SOUTHERN

DISTRICT OF

NEW YORK

The Annuity, Pension, Welfare and Apprenticeship  
Skill Improvement & Safety Funds of the  
International Union of Operating Engineers Local  
137, 137A, 137B, 137C & 137R et al.

## SUMMONS IN A CIVIL CASE

v.

CASE NUMBER:

American Tree & Landscape Corp.

08 CIV. 4739

TO: (Name and address of defendant)

American Tree & Landscape Corp.  
178 Charles Colman Boulevard  
Pawling, New York 12564

JUDGE ROBINSON

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

BRADY MCGUIRE & STEINBERG, P.C.  
603 WARBURTON AVENUE  
HASTINGS-ON-HUDSON, NEW YORK 10706

an answer to the complaint which is herewith served upon you, within Twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

CLERK

CLERK

MAY 21 2008

DATE

(BY) DEPUTY CLERK

*J. Michael McMahon*  
*Symantec*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORKINDEX/CASE #: 08 CIV. 4739  
Date Filed: May 21, 2008  
Court Date:*The Annuity, Pension, Welfare and Apprenticeship Skill Improvement & Safety Funds of the International Union of Operating Engineers Local 137, 137A, 137B, 137C & 137R et. al.,*

vs

Plaintiff(s)/Petitioner(s)

*American Tree & Landscape Corp.,*

Defendant(s)/Respondent(s)

STATE OF NEW YORK, COUNTY OF ULSTER, SS.:

## AFFIDAVIT OF SERVICE

Mark McCumber, being duly sworn deposes and says: Deponent is not a party herein, is over 18 years of age and resides in New York State. On June 7, 2008 at 12:39 p.m. at Parino's Greenhouse Florist, 178 Charles Colman Boulevard, Pawling, NY 12564, deponent served the within Summons in a Civil Case and Complaint

on: American Tree &amp; Landscape Corp., Defendant therein-named.

#1 INDIVIDUAL  By delivering a true copy of each to said recipient personally; deponent knew the person served to be the person described as said person therein.

#2 ENTITY/AGENT  By delivering thereat a true copy of each to Laura O'Connell personally, deponent knew the person so served to be the Managing Agent/Store Manager thereof, and said person was authorized to accept service on behalf thereof.

#3 SUITABLE AGE PERSON  By delivering a true copy of each to Said premises is recipient's [ ] actual place of business [ ] dwelling house / usual place of abode / last-known residence. a person of suitable age and discretion.

#4 AFFIXING TO DOOR  By affixing a true copy thereof to the door of said premises, which is recipient's [ ] actual place of business [ ] dwelling house / usual place of abode/last-known residence. The following service attempts were made:

Address confirmation:

#5 MAIL COPY  On \_\_\_\_\_, service was completed by mailing a true copy of above document(s) to the above address in a 1st Class postpaid properly addressed envelope marked "Personal and Confidential" from a depository under the exclusive care and custody of the United States Post Office in the State of New York. [ ] Additional mailing was also sent on same date by Certified Mail.

#6 DESCRIPTION  An approximate description of the recipient (person to whom the papers were given) is as follows:

(use with #1, 2 or 3) Sex: Female Color of skin: White Color of hair: Brown Age: 37-41 Height: 5'8-5'10  
Weight: 150-160 Other Features:

#7 WIT. FEES  the authorized witness fee and / or traveling expenses were paid (tendered) to the recipient.

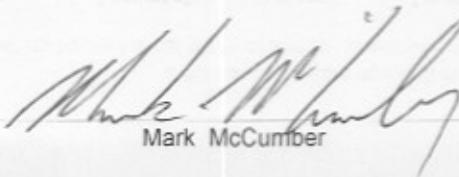
#8 MILITARYSRVC Deponent asked person spoken to whether the recipient is currently in the military service of the United States Government or of the State of New York and was informed that recipient is not.

#9 OTHER 

Sworn to before me on June 10, 2008

*Nicole Simmons*

NICOLE SIMMONS (#01S18180797)  
Notary Public, State of New York  
Resident in and for Ulster County  
Comm. Exp. 01/22/2012



Mark McCumber

Invoice•Work Order # 0807752